



DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2013-0109; FMCSA-2013-0442; FMCSA-2013-0444; FMCSA-2013-0445; FMCSA-2014-0381; FMCSA-2015-0320; FMCSA-2015-0323; FMCSA-2015-0326; FMCSA-2017-0252; FMCSA-2017-0253; FMCSA-2018-0050; FMCSA-2019-0033; FMCSA-2019-0206; FMCSA-2020-0046; FMCSA-2020-0047]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 18 individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have “no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.” The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates provided below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, fmcsamedical@dot.gov, FMCSA, DOT, 1200 New Jersey Avenue SE, Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Comments

To view comments go to www.regulations.gov. Insert the docket number, FMCSA-2013-0109, FMCSA-2013-0442, FMCSA-2013-0444, FMCSA-2013-0445, FMCSA-2014-0381, FMCSA-2015-0320, FMCSA-2015-0323, FMCSA-2015-0326, FMCSA-2017-0252, FMCSA-2017-0253, FMCSA-2018-0050, FMCSA-2019-0033, FMCSA-2019-0206, FMCSA-2020-0046, or FMCSA-2020-0047 in the keyword box, and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, and click “Browse Comments.” If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Dockets Operations.

B. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov. As described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.dot.gov/privacy, the comments are searchable by the name of the submitter.

II. Background

On July 5, 2022, FMCSA published a notice announcing its decision to renew exemptions for 18 individuals from the epilepsy and seizure disorders prohibition in

49 CFR 391.41(b)(8) to operate a CMV in interstate commerce and requested comments from the public (87 FR 39889). The public comment period ended on August 4, 2022, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in § 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria¹ to assist medical examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Conclusion

Based on its evaluation of the 18 renewal exemption applications, FMCSA announces its decision to exempt the following drivers from the epilepsy and seizure disorders prohibition in § 391.41(b)(8).

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following groups of drivers received renewed exemptions in the month of July and are discussed below.

As of July 1, 2022, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following 14 individuals have satisfied the renewal conditions for obtaining an exemption

¹ These criteria may be found in APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. *Epilepsy*: § 391.41(b)(8), paragraphs 3, 4, and 5, which is available on the internet at <https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf>.

from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers (87 FR 39889):

David F. Bigler (MN)	Ronald Bohr (IA)	David P. Crowe (VA)
Heath Crowe (LA)	Michael Davis (ME)	Nathan Dermer (AK)
John Johnson (WI)	Anthony Kornuszko (PA)	Raymond Lobo (NJ)
Lucas Meeker (OH)	David Pamperin (WI)	Kevin Sprinkle (NC)
Stephen Soden (LA)	Michael Vitch (MS)	

The drivers were included in docket number FMCSA-2013-0109, FMCSA-2013-0442, FMCSA-2013-0444, FMCSA-2014-0381, FMCSA-2015-0320, FMCSA-2015-0323, FMCSA-2015-0326, FMCSA-2017-0252, FMCSA-2017-0253, FMCSA-2018-0050, FMCSA-2019-0033, FMCSA-2019-0206, or FMCSA-2020-0046. Their exemptions were applicable as of July 1, 2022 and will expire on July 1, 2024.

As of July 14, 2022, and in accordance with 49 U.S.C. 31136(e) and 31315(b), Ronald Blount (GA) has satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers.

This driver was included in docket number FMCSA-2013-0445. The exemption was applicable as of July 14, 2022 and will expire on July 14, 2024 (87 FR 39889).

As of July 21, 2022, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following three individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers (87 FR 39889):

Sonny Chase (MN); Jason Miller (WI); and Michael Morris (OR).

The drivers were included in docket number FMCSA-2020-0047. Their exemptions were applicable as of July 21, 2022 and will expire on July 21, 2024.

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked

if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Larry W. Minor,
Associate Administrator for Policy.

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